

September 6, 2006 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

07AN0108

T-C Builders, Inc. (Stewart M. Tyler)

Dale Magisterial District
7662 Flagler Road

REQUEST: A Variance to use a parcel of land which has no public road frontage for dwelling purposes in a Residential (R-7) District.

RECOMMENDATION

Recommend denial of this Variance for the following reasons:

- A. There are no physical surroundings, shape or topographical conditions on this property that a particular hardship would result to the owner if the requirements of the Zoning Ordinance were carried out and a public road constructed to State standards.
- B. Staff finds there are no extraordinary circumstances or conditions applying to this property which do not apply generally to all other properties in the immediate area.

GENERAL INFORMATION

Location:

This request lies on .4 acre and is known as 7662 Flagler Road. Tax ID 783-676-7017. Access will be across Tax ID 783-676-Part of 8825 (Sheet 18).

Existing Zoning:

R-7

Size:

.4 acre

Existing Land Use:

Vacant

Adjacent Zoning and Land Use:

North - R-7; Residential and vacant
South - R-7; Residential
East - R-7; Residential and vacant
West - R-7; Residential and vacant

Utilities:

Public water and sewer

General Plan:

(Central Area Land Use and Transportation Plan)

Residential use

(2.51 – 4.0 units per acre)

DISCUSSION

The applicant requests a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The applicant has indicated the access to the subject property will be over a thirty (30) foot private easement from Point A to Point B, as shown on the attached plat.

The applicant provides the following justification in support of this request:

I would like to build a 1,144 square foot single family dwelling. I have a thirty (30) foot right of way for ingress and egress to the subject property. A dwelling cannot be built on this property without approval of this Variance.

The subject property is owned by the applicant. The Chesterfield Assessors Office records indicate that the applicant purchased the subject property on July 17, 1981. It is located off the southern terminus of Flagler Road and consists of .4 acre. Also, this property lies just south of the Beulah Village Subdivision. This subdivision is older and well established. The applicant indicates the parcel was created on May 16, 1983. The applicant plans to construct a single family dwelling on the subject property.

The Board of Zoning Appeals hears requests for no public road frontage, when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property

owner's immediate family, or complies with the plat validation process. In this case, the property must comply with the plat validation process.

Staff inspected the subject property and observed that the proposed access and the subject property are unimproved.

The Chesterfield County Fire Department has requested that an applicant with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects. Conditions 2(b), 2(c) and 2(e) address their concerns.

As required by the Zoning Ordinance, the applicant has provided no information that would serve as a basis for granting this Variance. No physical surrounding shape or topographical conditions exist on the property that would present a particular hardship to the property owner if this Variance were denied. There are no conditions upon which this request is based which are unique to the property and do not apply generally to other properties in the area.

This request is based on financial consideration rather than physical hardship or other conditions that are not applicable to other properties in the area. Therefore, staff cannot support this request.

Staff believes that the Board should deny this request for the reasons previously noted.

However, if the Board feels that this request has merit, staff recommends that it be subject to the following conditions:

CONDITIONS

1. When the applicant applies for a building permit, the applicant shall provide a copy of a recorded instrument which will include:
 - A thirty (30) foot wide private access easement from Point A to Point B as shown on the plat attached to the staff report.
2. The private access easement shall meet the following requirements:
 - (a) The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below;
 - (b) A fifteen (15) foot wide roadway shall be constructed and maintained to all weather standards from Point A to Point B. Prior to issuing a Certificate of Occupancy, the Planning Department shall inspect this roadway to determine its compliance with the following standards:

(c) The roadway shall consist of not less than the following: compacted soil sub-base with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the Subdivision Team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.

(d) There shall be an additional three (3) foot clear area beyond the edge of the roadway.

(e) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.

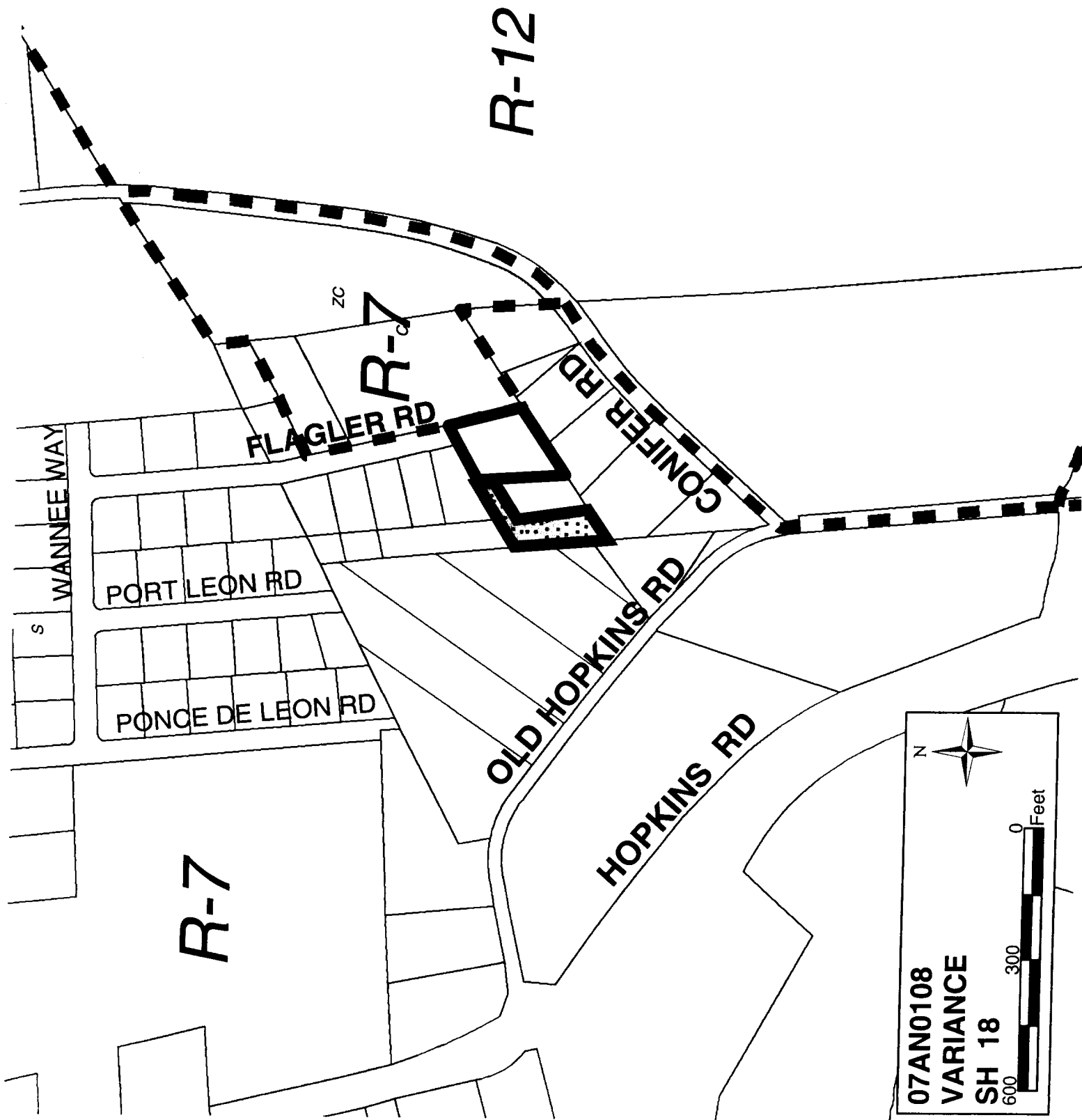
(f) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection.

(g) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.

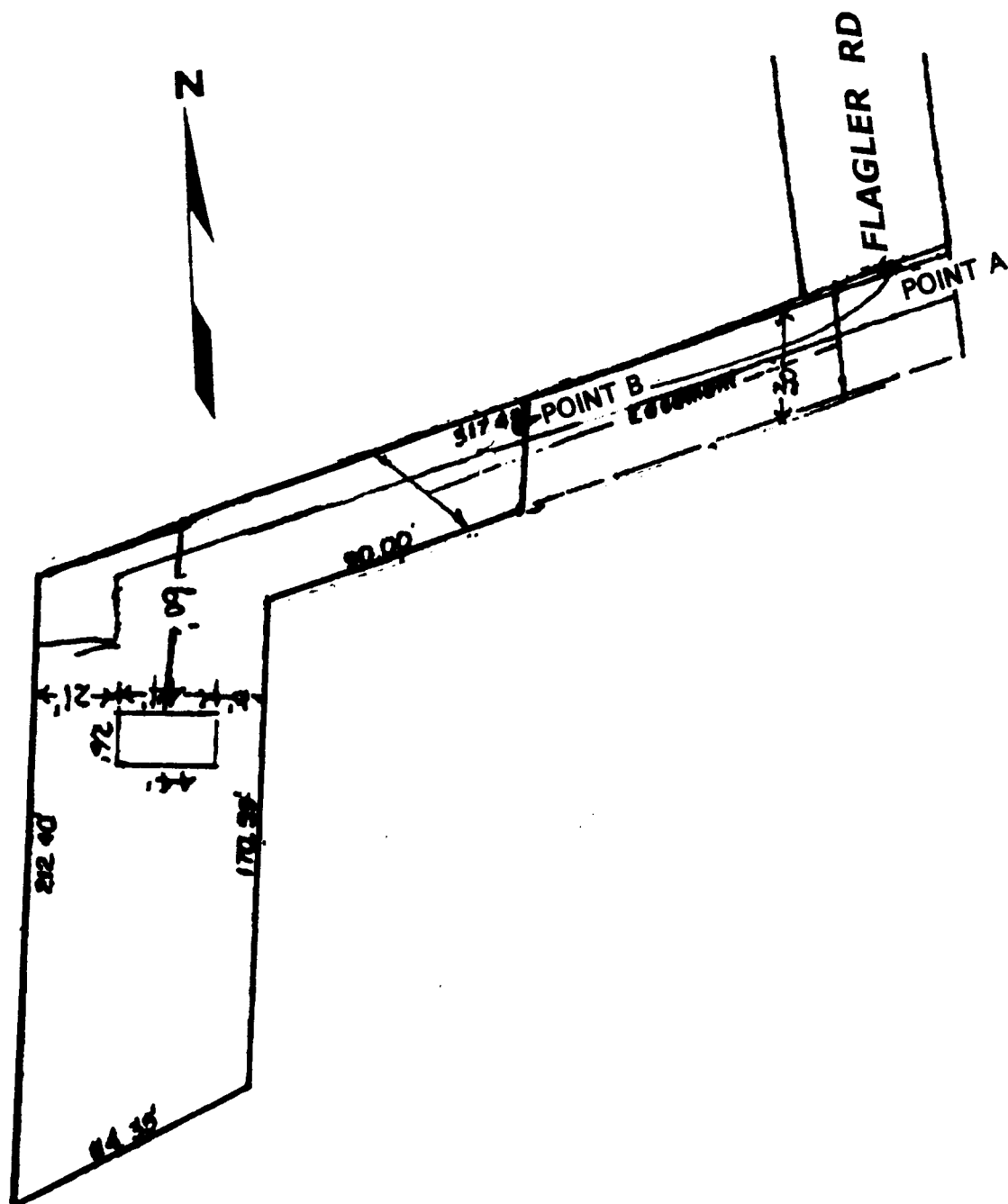
(h) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.

3. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers.

4. The subject property shall not be further subdivided, including any family subdivisions, unless public road frontage is provided.



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VARIANCE
SH 18
600 300 0 Feet



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